IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 1540 (S/S) of 2007

Ram Bhajan
S/o Mukarand Lal
R.o Banbassa, Headpul Sharad Bairaj
P.S. Banbassa
District Champawat.

……..Petitioner

Versus

1. The State of Uttarakhand through Secretary, Irrigation, Dehradun Uttaranchal
2. The State of U.P. through Secretary Irrigation, Lucknow (U.P.)
3. Chief Engineer, Irrigation Ganga Sinchain Bhawan Lucknow (U.P.).
4. Superintending Engineer V Region, Irrigation Office Bareilly (U.P.).
5. Executive Engineer Heard Works Khand Sharda Nahar Bareilly (U.P.)

…….Respondents

Shri B.S. Khanka, learned counsel for the petitioner.
Shri N.P. Sah, learned Standing Counsel for the respondent No. 1.
Smt. Bina Pande, learned Standing Counsel for respondents No. 2 to 5.

Hon'ble Prafulla C. Pant , J.

Heard learned counsel for the parties.

2. By means of this writ petition, the petitioner has sought following reliefs:-

(1) Issue a writ order or direction in the nature of Certiorari to quash the impugned

order passed by under (Anu) Secretary, Government of U.P. (Administration) letter No. 6249/05-27-Si-7-19 (71)/05 dated 06.02.2006 (Annexure No. 5 to this writ petition).

(2) Issue a writ order or direction in the nature of mandamus commanding and directing the respondents to give appointment in compassionate ground with all others benefits.

(3) Issue any other writ order or direction which this Hon'ble court may deem, fit and proper in the circumstances of the case.

(4) Award the cost of petition.

3. Brief facts of the case are that petitioner's father was Nayab Tandail in Head Work Irritation Department, Banbasa, District Champawat, who expired during his service on 14.10.1983. The petitioner sought appointment on compassionate ground in the year 1993 (i.e. after ten years) under U.P. Recruitment of Dependants of Government Servants Dying In Harness Rules, 1974. Said Rules provide that application can be moved only within five years of the death of a Government Servant. Admittedly, the application was barred by time. It appears that the petitioner earlier filed a writ petition No. 3542 of 2001 (S/S), which was

decided by this Court on 23.04.2005, whereby it was directed that the petitioner may seek relaxation of the age from the Government. The impugned order No. 6249/05-27-Si-7-19(71))/05 dated 06.02.2006, shows that the authorities did not find any sufficient reason to relax the age in the present case. A copy of said letter is annexed as Annexure-5 to this writ petition.

4. Having heard learned counsel for the parties, and after going through the papers on record, including the aforesaid letter, this Court does not find any force in the writ petition. The writ petition is dismissed in limine.

Dt. 12.10.2007 **(Prafulla C. Pant, J.)**
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